



TBW

Attorney Docket No. 035721/268194

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vodyanoy Confirmation No.: 9519
Application No.: 10/674,783 Group Art Unit: 2873
Filed: September 30, 2003 Examiner: Thompson, Timothy J.
For: HIGH-RESOLUTION OPTICAL MICROSCOPE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(d)**

This Information Disclosure Statement is being filed after the Office issued a Notice of Allowance (mailed October 6, 2004) but before payment of the Issue Fee.

Attached is a list of documents on Form PTO-1449 (references 59-65), along with a copy of any cited foreign patent documents and non-patent literature, in accordance with 37 C.F.R. § 1.98(a)(2). The documents listed on the attached PTO-1449 are submitted because they were cited in an International Search Report for the corresponding International Application No. PCT / US2004 / 017948. A copy of the International Search Report is also enclosed. The Examiner may wish to consider the notations on the Search Report itself regarding the relevance of each item.

It is requested that the Examiner consider these references and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, the Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

In accordance with the requirements of 37 C.F.R. § 1.97(d)(2), the following statement as specified in 37 C.F.R. § 1.97(e), the following statement as is made:

Each item of information contained in this statement was first cited
in a communication from a foreign patent office in a counterpart

12/07/2004 SSESHE1 00000033 160605 10674783
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In re Application of Vodyanoy
Application No. 10/674,783
Supplemental Information Disclosure Statement

foreign application not more than three (3) months prior to the filing of this statement. In this regard, the Applicant notes that the communication from the foreign patent office was not received by any individual designated by 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this statement.

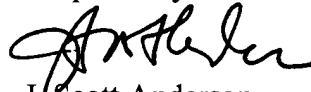
The Commissioner is authorized to deduct the fee in the amount of \$ 180.00, as specified in 37 C.F.R. § 1.17(p), from our Deposit Account No. 16-0605. The Commissioner is further authorized to charge any additional fee due or credit any refund to our Deposit Account.

Consideration of Previously Submitted Information Disclosure Statements

It is noted than the PTO Form 1449 submitted with the Applicant's Information Disclosure Statement (IDS) filed with the application on September 30, 2003 (references 1- 25) has not been initialed and returned. In order to facilitate review of the references, a copy of the IDS and the Form 1449 are attached hereto.

Also, it is noted than the Form 1449 submitted with the Applicant's Supplemental IDS filed August 25, 2004 (references 53-58) has not been initialed and returned. In order to facilitate review of the references, a copy of the IDS and the Form 1449 are attached hereto.

Respectfully submitted,

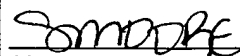


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 30, 2004.


Shana Moore



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/674,783

Confirmation No. 9519

Applicant : Vodyanoy, *et al.*

Filed : September 30, 2003

Title : **HIGH-RESOLUTION OPTICAL MICROSCOPE**

Art Unit : 2873

Examiner : Thompson, Timothy J.

Docket No. : 035721-268194

Customer No. : 00826

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
(CITATION UNDER 37 C.F.R. § 1.97)**

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. § 1.97(c), which governs disclosures made before a final Office Action or Allowance, whichever is earlier.

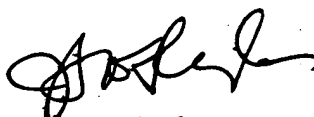
Attached is a list of documents on form PTO-1449, together with a copy of each identified document, in accordance with 37 C.F.R. § 1.98(a)(2).

It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

No item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application.

As payment for the fee specified in 37 C.F.R. § 1.17(p), please charge Deposit Account No. 16-0605 in the amount of One Hundred Eighty Dollars (\$ 180.00).

Respectfully submitted,



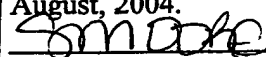
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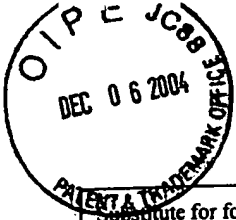
Customer No. 00826

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CERTIFICATE OF MAILING

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Shana Moore



Substitute for form 1449A/PTO (Revised 10/2001) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/674,783
				Filing Date	September 30, 2003
				First Named Inventor	Vodyanoy, <i>et al.</i>
				Group Art Unit	2873
				Examiner Name	Thompson, Timothy J.
Sheet	1	of	1	Attorney Docket Number	035721-268194

OTHER PRIOR ART - NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T?
	53	GAGE, Simon H.; "Special Oil-Immersion Objectives for Dark-Field Microscopy," SCIENCE, New Series, Vol. 54, No. 1406 (Dec. 9, 1921), pp. 567-69.	N/A
	54	KOPAC, M.J.; "Darkfield Micromanipulation with an Ultropaque Illuminator," SCIENCE, New Series, Vol. 82, No. 2116 (July 19, 1935), p. 70.	N/A
	55	MacNEAL, Ward J., <i>et al.</i> ; "A Culture Slide for Dark-Field Microscopy," SCIENCE, New Series, Vol. 88, No. 2293 (Dec. 9, 1938), p. 554.	N/A
	56	WITLIN, Bernard; "Darkfield Illuminators in Microscopy," SCIENCE, New Series, Vol. 102, No. 2637 (July 13, 1945), pp. 41-42.	N/A
	57	MATSUNAGA, Sachihiro, <i>et al.</i> ; "Clear Visualization of the Products of Non-radioactive <i>in situ</i> Hybridization in Plant Tissue by Simple Dark-Field Microscopy," MICRON, Vol. 28, No. 3 (1997), pp. 185-87.	N/A
	58	SENATOROV, Vladimir V.; "Dark-Field Microscopy Visualization of Un-stained Axonal Pathways Using Oil of Wintergreen," JOURNAL OF NEUROSCIENCE METHODS, Vol. 113 (2002), pp. 59-62.	N/A

Examiner Signature		Date Considered	
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* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Attorney's Docket No. 035721/268194

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Vodyanoy, et al
Appl. No.:
Filed: September 30, 2003
For: HIGH-RESOLUTION
OPTICAL MICROSCOPE

Confirmation No.:
Art Unit:
Examiner:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
CITATION UNDER 37 C.F.R. § 1.97**

Sir:

Attached is a list of documents on Form PTO-1449 together with a copy of each identified document. The Applicant requests that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, the Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. § 1.97(b), which governs disclosures made before a first Office Action. The Commissioner is authorized to charge any fee or credit any refund to our Deposit Account No. 16-0605.

Respectfully submitted,

J. Scott Anderson
Registration No. 48,563

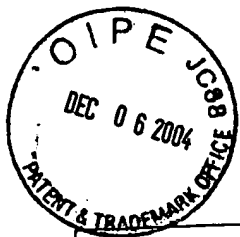
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Date of Deposit September 30, 2003

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Shana Moore

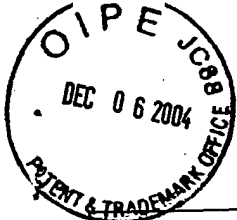


Substitute for form 1449A/PTO (Revised 10/2001) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	
035721/268194					

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
	1	US - 4,398,211	08-09-1983	Young	Whole Document
	2	US - 4,405,237	09-20-1983	Manuccia, <i>et al.</i>	Whole Document
	3	US - 4,498,749	02-12-1985	Hoover	Whole Document
	4	US - 4,737,022	04-12-1988	Faltermeier, <i>et al.</i>	Whole Document
	5	US - 4,999,495	03-12-1991	Miyata, <i>et al.</i>	Whole Document
	6	US - 5,270,853 - A	12-14-1993	Bashkansky, <i>et al.</i>	Whole Document
	7	US - 5,291,012 - A	03-01-1994	Shimizu, <i>et al.</i>	Whole Document
	8	US - 5,426,302 - A	06-20-1995	Marchman, <i>et al.</i>	Whole Document
	9	US - 5,434,901 - A	07-18-1995	Nagai, <i>et al.</i>	Whole Document
	10	US - 5,508,517 - A	04-16-1996	Onuki, <i>et al.</i>	Whole Document
	11	US - 5,528,368 - A	06-18-1996	Lewis, <i>et al.</i>	Whole Document
	12	US - 5,563,412 - A	10-08-1996	Zandbergen, <i>et al.</i>	Whole Document
	13	US - 5,770,416 - A	06-23-1998	Lihme, <i>et al.</i>	Whole Document
	14	US - 5,841,577 - A	11-24-1998	Wachman, <i>et al.</i>	Whole Document
	15	US - 6,108,081 - A	08-22-2000	Holtom, <i>et al.</i>	Whole Document
	16	US - 6,130,776 - A	10-10-2000	Takaoka	Whole Document
	17	US - 6,226,118 - B1	05-01-2001	Koyama, <i>et al.</i>	Whole Document

Examiner Signature		Date Considered	
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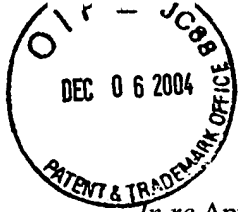
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
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				First Named Inventor	Vodyanoy, <i>et al.</i>
				Group Art Unit	
Examiner Name					
Sheet	2	of	2	Attorney Docket Number	035721/268194

FOREIGN PATENT DOCUMENTS								
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	18	GB	2,195,467	A1	04-07-1988	Aire Scientific Limited	Whole Document	N/A
	19	WO	98/45744	A1	10-15-1988	Northern Edge Associates, Inc.	Whole Document	N/A
	20	JP	09-297,266		11-18-1997	Ishikawajima System Technology KK	Whole Document	Abstract Only

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T?
	21	RAMAN, C.V., <i>et al.</i> , "A New Type of Secondary Radiation," Nature; Mar. 31, 1928; pp. 501-02, Vol. 121.	N/A
	22	BOARD OF REGENTS, The Smithsonian Institution, "Rife's Microscope - The Smithsonian Report," Annual Report, 1944; and ROSENOW, Edward C., "Discussion: Observations with the Rife Microscope of Filter-Passing Forms of Microorganisms," Annual Report of the Board of Regents, The Smithsonian Institution, 1944.	N/A
	23	SEIDEL, M.D., R.E., <i>et al.</i> , "The New Microscopes," Journal of the Franklin Institute, 1944; pp. 103-130, Vol. 237, No. 2.	N/A
	24	WACHMAN, E., <i>et al.</i> , "Imaging acousto-optic tunable filter with 0.35-micrometer spatial resolution," Applied Optics; Optical Society of America; September 1996; pp. 5220-26; Vol. 35, No. 25.	N/A
	25	TOTZECK, M., <i>et al.</i> , "Phase-Shifting Polarization Interferometry for Microstructure Linewidth Measurement," Optics Letters; Optical Society of America; March 1, 1999; pp. 294-96; Vol. 24, No. 5.	N/A

Examiner Signature		Date Considered	
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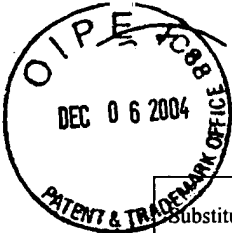
In re Application of Vodyanoy
Application No. 10/674,783
Supplemental Information Disclosure Statement

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner Timothy J. Thompson at Fax No. (571) 272-2343 on the date shown below.

Shana Moore
Shana Moore

Nov. 30, 2004
Date



Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				Group Art Unit	2873
Examiner Name	Timothy J. Thompson				
Sheet	1	of	1	Attorney Docket Number	035721/268194

U. S. PATENT DOCUMENTS					
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	59	US 4,762,413	08-09-1988	Namba, <i>et al.</i>	Whole Document
	60	US 4,766,083	08-23-1988	Miyashita, <i>et al.</i>	Whole Document
	61	US 4,988,630	01-29-1991	Chen, <i>et al.</i>	Whole Document
	62	US 6,330,058 B1	12-11-2001	Garcia-Rubio, <i>et al.</i>	Whole Document

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code - Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	English Translation Attached?
	63	WO 02/061485 A2	08-08-2002	Auburn Univ.	Whole Document	N/A
	64	WO 02/061485 A3	08-08-2002	Auburn Univ.	Whole Document	N/A

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) , volume-issue number(s), publisher, city and/or country where published.	English Translation Attached?
	65	INTERNATIONAL SEARCHING AUTHORITY; International Search Report and Written Opinion; mailed 11 December 2004; regarding International Application No. PCT/US2004/017948 (European Patent Office).	N/A

Examiner Signature		Date Considered	
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